

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRIAN LUCAS ET AL.,

Plaintiffs,

v.

VEE PAK, INC. ET AL.,

Defendants.

Case No. 12 C 9672

Judge Tharp

Magistrate Judge Martin

PRELIMINARY APPROVAL ORDER OF PARTIAL SETTLEMENT WITH ASI

Class Representative Brian Lucas and Alternative Staffing, Inc. (“ASI” or “Defendant”) (collectively, the “Parties”), having reached a settlement in this matter on a class-wide basis, the Court having reviewed the Partial Class Action Settlement Agreement entitled “Class Action Partial Settlement Agreement With Alternative Staffing, Inc. Only” (hereafter “ASI Class Action Settlement”), the record in this Litigation, and Class Representative Lucas’ Unopposed Motion for Preliminary Approval of the Parties’ Partial Class Action Settlement Agreement and for Approval of Class Certification, Form and Manner of Class Notice and Scheduling of a Hearing for Final Approval of Settlement,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court hereby preliminarily approves the ASI Class Action Settlement as being fair, reasonable and adequate. The ASI Class Action Settlement is the result of arm’s-length negotiations between experienced attorneys who are familiar with class action litigation in general and with the legal and factual issues of this case in particular.
2. The Court has jurisdiction over the subject matter of this lawsuit and the Parties, including the members of the ASI Settlement Class, as defined below.
3. The Court finds that: (1) the Class is so numerous that joinder is impracticable;

(2) questions of law and fact are common to the class; (3) the claims of the Class Representative are typical of the claims of the Class; (4) the Class Representative will fairly and adequately protect the interests of the Class; and (5) that the proposed Class meets the predominance and superiority requirements of Federal Rule of Civil Procedure 23(b)(3).

4. The Court finds that the prerequisites to a class action under Rule 23 of the Federal Rules of Civil Procedure have been met. The case is hereby certified as a class action under Federal Rule of Civil Procedure 23(b)(3). The Court hereby preliminarily certifies the following ASI Class:

The Class Representative and all African Americans who sought a work assignment through ASI but, on one or more occasion, were not assigned or hired to work at Vee Pak during the period December 5, 2008 through the date of this Order of Preliminary Approval.

5. The Court appoints Plaintiff Brian Lucas as Class Representative and attorneys Christopher J. Williams and Alvar Ayala of the Workers' Law Office, PC, and attorneys Joseph M. Sellers, Shaylyn Cochran and Miriam Nemeth of Cohen, Milstein, Sellers & Toll, PLLC, as Class Counsel. The Court finds that the Class Representative and Class Counsel have provided adequate representation to the ASI Class.

6. The Court appoints Garden City Group, LLC as the Settlement Administrator. The Settlement Administrator shall comply with all of the duties and requirements set forth in the Settlement Agreement and applicable federal, state, and local law.

7. The Court approves, as to form and content, the proposed ASI Settlement Notice of the partial class action settlement with ASI attached to the Settlement Agreement as Exhibit A and Claim Forms attached as Exhibits B - D. The Court finds that the procedures for notifying the Class about the Settlement as described in the Settlement Agreement provide the best notice practicable under the circumstances and therefore meet the requirements of due process.

8. A Fairness Hearing for purposes of determining whether the Settlement Agreement should be finally approved, shall be held before this Court on August 21, 2018, at 2:00 p.m., in Courtroom 1419 of the U.S. District Court, 219 S. Dearborn, Chicago, Illinois and may be continued from time to time without further notice.

9. The Court finds that this partial ASI Class Action Settlement does not settle the claims of the ASI Class Representative or any of the ASI Class Members against Defendants Vee Pak, Inc., Staffing Network Holdings, LLC and Personnel Staffing Group, LLC d/b/a MVP (“Non-Settling Defendants”) and that, as a part of this ASI Class Action Settlement the ASI Class Representative and the ASI Class Members do not waive any of their rights or release any of their claims against the Non-Settling Defendants.

10. The Court reserves exclusive and continuing jurisdiction over this Litigation, the Class Representative, the Class and Defendant ASI for the purposes of: (1) supervising the implementation, enforcement, construction, and interpretation of this Order and the ASI Class Action Settlement Agreement upon the entry of a Final Order by this Court granting final approval of the ASI Class Action Settlement Agreement and dismissing this Litigation against ASI only with prejudice, or in the event of an appeal of such Final Order, the final resolution of the appeal upholding the Final Order; (2) hearing and determining any application by Class Counsel for an award of attorneys’ fees and costs; (3) supervising the distribution of the Settlement Fund; and (4) resolving any disputes or issues that may arise in connection with this Litigation or the Settlement of this Litigation.

IT IS SO ORDERED.



John J. Tharp, Jr.
United States District Judge
Northern District of Illinois

Dated this 16th day of January, 2018